

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel H. Kim
Application No.: Not assigned Group Art Unit: Not assigned
Filed: March 25, 2004 Examiner: Not assigned
Confirmation No.: Not assigned
Title: SURGICAL RETRACTOR POSITIONING DEVICE

Date: March 25, 2004

EXPRESS MAIL LABEL NO. EV214950139US

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

☒ Enclosed herewith is form PTO-1449:

☒ Copies of cited references AR, AS, and AT are enclosed.

☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.

☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:

☐ the explanation provided on the attached sheet.

☐ the explanation provided in the Specification.

☐ submission of the enclosed International Search Report.

☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.

☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By _____

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Concord, MA 01742-9133

Dated: March 25, 2004

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|---|---------------------------------------|--|-------------------------------|-------|
| PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION March 25, 2004 (Use several sheets if necessary) | ATTORNEY DOCKET NO. 3518.1014-000 | | APPLICATION NO. | |
| | FIRST NAMED INVENTOR Daniel H. Kim | | FILING DATE March 25, 2004 | |
| | EXAMINER | | CONFIRMATION NO. | GROUP |

| U.S. PATENT DOCUMENTS | | | | |
|-------------------------------|-------------|--|--|--|
| EXAM- INER INI- TIAL | REF. NO. | DOCUMENT NUMBER Number-Kind Code (if known) | ISSUE DATE / PUBLICATION DATE MM-DD-YYYY | NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT |
| | AA | US 2004/0002629 A1 | 01/01/2004 | Branch, <i>et al.</i> |
| | AB | US 2003/0191371 A1 | 10/09/2003 | Smith, <i>et al.</i> |
| | AC | 6,500,116 B1 | 12/31/2002 | Knapp |
| | AD | 6,214,004 B1 | 04/10/2001 | Coker |
| | AE | 6,187,000 B1 | 02/13/2001 | Davison, <i>et al.</i> |
| | AF | 6,139,493 | 10/31/2000 | Koros, <i>et al.</i> |
| | AG | 6,007,487 | 12/28/1999 | Foley, <i>et al.</i> |
| | AH | 5,944,658 | 08/31/1999 | Koros, <i>et al.</i> |
| | AI | 5,928,139 | 07/27/1999 | Koros, <i>et al.</i> |
| | AJ | 5,688,223 | 11/18/1997 | Rosendahl |
| | AK | 5,520,610 | 05/28/1996 | Giglio, <i>et al.</i> |
| | AA2 | 5,512,038 | 04/30/1996 | O'Neal, <i>et al.</i> |
| | AB2 | 5,363,841 | 11/15/1994 | Coker |
| | AC2 | 5,052,373 | 10/01/1991 | Michelson |
| | AD2 | 4,747,394 | 05/31/1988 | Watanabe |
| | AE2 | 4,355,631 | 10/26/1982 | LeVahn |
| | AF2 | 3,522,799 | 08/04/1970 | Gauthier |
| | AG2 | | | |
| | AH2 | | | |
| | AI2 | | | |
| | AJ2 | | | |
| | AK2 | | | |
| | AA3 | | | |
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| | FIRST NAMED INVENTOR Daniel H. Kim | | FILING DATE March 25, 2004 | |
| | EXAMINER | | CONFIRMATION NO. | GROUP |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|--|-----|---|
| | AR | "A Complete Catalog of Instruments For Knee Trauma Extraction/Revision Shoulder Hip," Sales Brochure by Innomed, 3 pages. |
| | AS | "Bookwalter Radiolucent Blades," Sales Brochure by Codman, 4 pages. |
| | AT | "Spinegate: Minimally-Invasive Spinal Retractor System," Sales Brochure by Geister, 5 pages. |
| | AU | |
| | AV | |
| | AW | |
| | AX | |
| | AY | |
| | AZ | |
| | AR2 | |
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